
TITLE 327 WATER POLLUTION CONTROL BOARD

NOTICE OF READOPTION
IC 13-14-9.5 FIRST NOTICE OF COMMENT PERIOD
LSA Document #09-595

READOPTON OF RULES IN TITLE 327 UNDER IC 13-14-9.5

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the readoption of rules in Title 327 of the Indiana Administrative Code under IC 13-14-9.5.

RULES TO BE READOPTED: 327 IAC 5-2.1-1; 327 IAC 5-2.1-2; 327 IAC 5-2.1-3; 327 IAC 5-2.1-4; 327 IAC 5-2.1-5; 327 IAC 5-2.1-6; 327 IAC 5-2.1-7; 327 IAC 6.1-7.5-1; 327 IAC 6.1-8-1; 327 IAC 6.1-8-2; 327 IAC 6.1-8-3; 327 IAC 6.1-8-4; 327 IAC 6.1-8-5; 327 IAC 6.1-8-6; 327 IAC 6.1-8-7; 327 IAC 6.1-8-8.

The foregoing rules are identified by name as follows:

ARTICLE 5. INDUSTRIAL WASTEWATER PRETREATMENT PROGRAMS AND NPDES

Rule 2.1. Combined Sewer Overflow Public Notification

327 IAC 5-2.1-1 Purpose
327 IAC 5-2.1-2 Applicability
327 IAC 5-2.1-3 Definitions
327 IAC 5-2.1-4 CSO notification procedure
327 IAC 5-2.1-5 Notification
327 IAC 5-2.1-6 Community notification methods
327 IAC 5-2.1-7 Record keeping and reporting

ARTICLE 6.1. LAND APPLICATION OF BIOSOLID, INDUSTRIAL WASTE PRODUCT, AND POLLUTANT-BEARING WATER

Rule 7.5. Small Quantity Generators–Pollutant-Bearing Water

327 IAC 6.1-7.5-1 Requirements for small quantity generator notification

Rule 8. Storage Structures

327 IAC 6.1-8-1 General requirements
327 IAC 6.1-8-2 Application procedures for permitting lagoons
327 IAC 6.1-8-3 Site restrictions for storage structures
327 IAC 6.1-8-4 Performance standards and construction standards for storage structures for liquid biosolid or industrial waste product, and pollutant-bearing water
327 IAC 6.1-8-5 Performance standards and construction standards for storage structures for dewatered biosolid and industrial waste product
327 IAC 6.1-8-6 Construction for lagoons
327 IAC 6.1-8-7 Operational requirements for storage structures
327 IAC 6.1-8-8 Closure of storage structures

AUTHORITY: IC 13-14-9.5.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is required under IC 13-14-9.5, which provides for the expiration and readoption of administrative rules. A rule that was adopted under a provision of IC 13 and was in force on December 31, 1995, expires not later than January 1, 2002. All rules adopted after that date under IC 13-14-9, expire on January 1 of the seventh year after the year in which each rule takes effect. The rules listed to be readopted have an expiration date of January 1, 2010. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

Under IC 13-14-9.5-4, the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during this first comment period, IDEM may submit the rule for filing with the Publisher under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-9.5-4 requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to Legislative Services Agency for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:
 - (A) readopt that rule separately from the readoption rule; and
 - (B) follow the procedure for adoption of administrative rules under [IC 13-14-9](#) with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish notice in the Indiana Register that the agency has readopted the rule.

REQUEST FOR PUBLIC COMMENTS

IDEM requests that any written comments requesting that a rule be readopted separately from this readoption rule include a basis for the request. IDEM also solicits comment on rules exempt from readoption and rules to expire. Mailed comments should be addressed to:

LSA Document #09-595 (2009 Readoption)
MaryAnn Stevens
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Ave.
MC 65-41
Indianapolis, Indiana 46204-2251

Hand delivered comments will be accepted by the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Room N1301, Indianapolis, Indiana. Comments also may be submitted by facsimile to (317) 233-5517. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 233-8903. Please note it is not necessary to follow a faxed comment letter with a copy of the letter submitted through the postal system.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by September 4, 2009.

Additional information regarding this rulemaking action may be obtained from MaryAnn Stevens, Rules Section, Office of Legal Counsel, (317) 232-8635 or (800) 451-6027 (in Indiana).

Bruno Pigott
Assistant Commissioner
Office of Water Quality

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